## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

FREDERICK T. HOSKINS,	)	
Plaintiff,	)	Case No. 7:15CV00206
v.	)	OPINION
COMMONWEALTH OF VIRGINIA,	)	By: James P. Jones
DEPARTMENT OF CORRECTIONS,	)	United States District Judge
	)	
Defendants.	)	

Frederick T. Hoskins, Pro Se Plaintiff.

Plaintiff Frederick T. Hoskins, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983, alleging that unnamed prison officials violated his First Amendment rights when they disciplined him for writing a letter to President Barack Obama. After review of the record, I find that this complaint must be summarily dismissed.

Hoskins admits writing a letter expressing his frustration to President Obama over various actions his administration has taken. Virginia Department of Corrections ("VDOC") officials brought a disciplinary charge against Hoskins for intimidating a public official. Hoskins waived his right to a hearing and accepted a penalty offer of twenty days in disciplinary segregation, which he completed on February 21, 2015. Thereafter, officials placed Hoskins in a higher security level

and transferred him to Red Onion State Prison. Hoskins then brought this § 1983

action against the Commonwealth of Virginia and the VDOC, seeking monetary

damages, vacation of the charge, and reclassification.

The court is required to dismiss any action or claim filed by a prisoner

against a governmental entity or officer if the court determines the action or claim

is frivolous, malicious, or fails to state a claim on which relief may be granted. 28

U.S.C. § 1915A(b)(1). Section 1983 permits an aggrieved party to file a civil

action against a person for actions taken under color of state law that violated his

constitutional rights. See Cooper v. Sheehan, 735 F.3d 153, 158 (4th Cir. 2013).

The only defendants that Hoskins names as defendants are the

Commonwealth and the VDOC. Neither of these entities is a "person" subject to

suit under § 1983. Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)

(finding that state and its agencies are not persons under § 1983) Therefore,

Hoskins' complaint must be summarily dismissed under § 1915A(b)(1) as legally

frivolous.

A separate Final Order will be entered herewith.

DATED: June 10, 2015

/s/ James P. Jones

United States District Judge

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